



VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA
First Floor 33/11 kV substation, Hyderabad Boats Club Lane
Lumbini Park, Hyderabad - 500 063

:: Present:: Smt. UDAYA GOURI

Friday the First Day of March 2019

Appeal No. 51 of 2018

Preferred against Order dt:31.10.2018 of CGRF in
CG No. 431/2018-19 of Hyderabad Central Circle

Between

Sri. Khaja Fareeduddin, #10-05-321/1/103, Gowtham Apartments,
Masab Tank, Hyderabad - 500 028. Cell No. 8801786648.

... Appellant

AND

1. The AE/OP/Masab Tank/TSSPDCL/Hyderabad.
2. The ADE/OP/Masab Tank/TSSPDCL/Hyderabad.
3. The AAO/ERO/Rethibowli/TSSPDCL/Hyderabad.
4. The DE/OP/Mehdipatnam/TSSPDCL/Hyderabad.
5. The SE/OP/Hyd. Central Circle/TSSPDCL/Hyderabad.

... Respondents

The above appeal filed on 14.12.2018, coming up for final hearing before the Viduyut Ombudsman, Telangana State on 07.02.2019 at Hyderabad in the presence of Sri. Khaja Fareeduddin - Appellant and Sri. T. Satyanarayana Goud - AE/OP/Masab Tank, Sri. N. Naveen Reddy - ADE/OP/Masab Tank and Smt. S. Hemalatha - JAO on behalf of AAO/ERO/Rethibowli for the Respondents and having considered the record and submissions of both the parties, the Viduyut Ombudsman passed the following;

AWARD

This is an Appeal against the orders of the CGRF in CG No. 431/2018 dt.31.10.2018.

2. The contention of the Appellant is that in view of the excess billing done on his +service connection No. A3007339 of Category I located in Gowtham Apartments, Masab Tank, he has lodged complaint before the CGRF to rectify the

excess bills revise the same and adjust the excess billed amount towards his service connection and the learned CGRF failed to appreciate his contentions and dismissed his complaint directing him to pay the bill amount issued by the Respondents and as such aggrieved by the same he filed the present Appeal.

3. The Appellant namely Khaja Fareeduddin stated that he is a Resident of H.No.10-5-321/1/103, Gowtham Apartments, Masab Tank, Hyderabad having SC No. A3007339 and that on 31.11.2007 he has paid CC charges of Rs 8000/- and reconnection fee of Rs 50/- vide receipt No. 5931728359 but his service connection was not connected, but in the month of June,2018 he was issued a bill for an amount of Rs 1,13,191/- claiming that he has utilised 11901 units in the said month claiming that he has utilised the said units from his service connection without authorisation or authority from the year 2003 when it was disconnected for non payment of bills. Hence prayed that issuing the bill for such a huge amount in one month is arbitrary and is going to cause a heavy burden on him. He also stated that since he has paid the reconnection charges in 2007, the units alleged to be utilised be divided from 11/2007 to 06/2018 enabling him to pay the amount conveniently without hardship and hence prayed that the bills be revised accordingly, fresh bills be reissued and the excess amount be adjusted to his service connection.

4. The Respondents on the other hand submitted their written statement through Respondent No.3 i.e. AAO/ERO/Rethibowli vide Lr.No. 102/2018 dt.07.01.2019 stating that originally the service connection No. A3007339 was sanctioned in the name of One Narendra Kumar and Brothers and that the said meter connection have an outstanding bill amount of Rs 18,519/- with a final reading of 7002 units in the month of August,2003. As such the same was disconnected for non payment of arrears. Later on regular inspection by Sri. Krishna Mohan i.e. Ex-ADE/OP/Masab Tank found that the consumer of SC No. A3007339 i.e. Sri. Khaja Fareeduddin was utilising the supply through the said meter without making the service live in spite of the fact the bill service was stopped. As such he instructed AE/OP/Masab Tank to disconnect the service immediately, remove the meter for evidence and to make the service live. Hence the AE/OP/Masab Tank has written a letter to AAO/ERO/Rethibowli to make the service A3007339 from "Bill stop to Live". As such the said service connection was made Live from the month of May,2018 and the entire reading existing in the meter was entered, and the bill was issued to the consumer on the current month demand of Rs 1,13,191/- showing the consumption

units as 11901. They pointed out that the verification of the records showed that the consumer never gave any application for making the service connection “Bill stop” to Live, but reconnected the supply to the meter without informing the concerned authority or paid the shortfall amount. And as such claimed the bill issued in the month of June,2018 for Rs 1,13,191/- for the consumption of units 11901 is as per the tariff and hence the Appellant is liable to pay. As such prayed that the Appellant be directed to pay the said amount.

5. Heard both sides.

Issues

6. In view of the said averments of both sides the following issues are framed:-

1. Whether the billing done by the Respondents is in accordance to the Tariff Orders and if not whether the same is liable to be revised? and
2. To what relief?

Issue No.1

7. A perusal of the records admittedly show that the service connection No. A3007339 belonging to the Appellant Sri. Khaja Fareeduddin stood in the name of Sri. Narendra Kumar and Brothers in the premises bearing No. 10-5-321/1/103, Gowtham Apartments, Masab Tank and an order was issued to stop the bills in the month of August,2003 with final reading of 7002 units with an outstanding bill amount of Rs 18,519/-. The Appellant contended that on 31.11.2007 he paid an amount of Rs 8000/- towards CC charges and Rs 50/- towards reconnection charges vide receipt No. 5931728359 and that since then he has been utilising the said service connection. The Respondents on the other hand though admitted that the Bill Stop order was issued in the month of August,2003, denied that the Appellant gave any application for reconnection of the said service connection. They claimed the fact that the Appellant was utilising their electricity supply from the above said service connection came to light only when Ex-ADE/OP/Masab Tank went on regular inspection in the month of May,2018, and as such he ordered for regularisation of the service from outstanding ledger (OSL) to Live in the month of May,2018. And as such a bill was issued in June,2018 for the entire existing units consumed till the month of May,2018 as per the readings of the service connection.

8. In other words the Respondents calculated the units consumed on the date of the inspection as the units consumed for that month in view of the fact that

the Appellant has been unauthorisedly utilising the electricity supply from his service connection of which the bill was stopped. As per the Respondents the units consumed by the Appellant as shown under the service connection was from 2003 onwards till the date of inspection, while as per the Appellant he has given an application for reconnection in the month of November,2007 and having paid the required charges he has been utilising the electricity supply since then. The records submitted by the Respondents show that though they contended that the meter was being utilised from the date of its disconnection unauthorisedly, there is no evidence adduced by them to show the consumption from the year 2003. On the other hand the Appellant admitted that he had been utilizing the service connection since November,2007. And as such the units found to be consumed by ADE/OP/Masab Tank in the month of June,2018 should be divided from the month of November,2007 to June,2018 while the Respondents contended that since the said reading was taken in June,2018 the bill has to be for that month and cannot be divided as claimed by the Appellant in view of his unauthorised consumption.

9. Admittedly the Appellant has used the electricity supply unauthorisedly in spite of the service being disconnected, but in view of his admission he has been utilising the said service since November,2007 and since no action is initiated by the Respondents against the concerned official for allowing the Appellant to unauthorisedly use the supply, the billing method used by the Respondents is not proper putting the entire burden on the Appellant and without applying the provisions of Section 126(6)(b)(ii) of the Electricity Act.

10. In the normal course the calculation for billing the units utilised should be as below:-

June,2018	18903		
November,2007	7002		
	11901	Units	
	127 Months	93.70 units per month or say 94 units	
Energy Charges	0-50	50 x 1.45 x 127	9207.50
Energy Charges	51- 100	44 x 2.68 x 127	<u>14975.84</u>
			24183.34
Customer Charges		30 x 127	3810.00
Additional Charges		25 x 127	3175.00
ED		11901 X 0.06	714.06
Totalling to			<u>31882.40</u>

11. So as per the Tariff Order the calculations for 11901 units when divided into 127 months @ Rs 94/- should be Rs 31,882/- , whereas the Respondents billed the amount @ Rs 1,13,191/- which is Rs 81,309/- is in excess. The provisions of Section 126(6)(b)(ii) shows that *“unauthorised use of electricity”- by means not authorised by the concerned person or authority or licensee*, and assess the liable amount to be paid by the Appellant as mandated the rate shall be billed at twice the tariff applicable for the relevant category service. Thus the same goes to show that the Respondents have to bill twice the tariff rate applicable in case of unauthorised use of electricity as is done by the Appellant who utilised the service connection without the same being reconnected. Hence decides this issue against the Respondents.

Issue No.2

12. In the result the Appeal is allowed and hence in view of the above given discussions there shall be a direction to the ADE/OP/Masab Tank to comply with the conditions under Section 126 and issue Provisional Assessment notice to the Appellant towards unauthorised usage of electricity and assess the amount Twice rate on the Energy Charges as mandated under Section 126 (6) on the revised bill given at para 10 above. The AAO/ERO/Rethibowli is directed to revise the bill for the month of June,2018 issued for an amount of Rs 1,13,191/- based on the provisional assessment amount, less the amounts paid by the Appellant, if any, towards the June,2018 bill.

13. The licensee shall comply with and implement this order within 15 days from the date of receipt of this order under clause 3.38 of the Regulation 3 of 2015 of TSERC.

TYPED BY Office Executive cum Computer Operator, Corrected, Signed and Pronounced by me on this the 1st day of March, 2019.

Sd/-

Vidyut Ombudsman

1. Sri. Khaja Fareeduddin, #10-05-321/1/103, Gowtham Apartments, Masab Tank, Hyderabad - 500 028. Cell No. 8801786648.

2. The AE/OP/Masab Tank/TSSPDCL/Hyderabad.
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6. The SE/OP/Hyd. Central Circle/TSSPDCL/Hyderabad.

Copy to :

7. The Chairperson, CGRF-GHA, TSSPDCL, GTS Colony, Erragadda, Hyderabad.
8. The Secretary, TSERC, 5th Floor Singareni Bhavan, Red Hills, Lakdikapul, Hyd.